

Amendment After Final Rejection
Serial No. 09/580,167

Docket No. PHB 34,348

REMARKS

The Office Action mailed January 26, 2006 has been reviewed and carefully considered. Claims 1-20 remain pending, the independent claims remaining 1, 3 and 19. Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

Claims 1-19 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,321,260 to Takeuchi in view of U.S. Patent No. 6,404,739 to Gonno.

Claim 1 recites:

A method of transmitting data packets over an interface between first and second heterogeneous parts, the method comprising the steps of: after transmission of the data packets begins, determining, in the first part or interface, a number of data packets being transmitted in a predetermined time; and reserving, in the second part, sufficient information carrying capacity, corresponding to at least one data packet in excess of the number determined

Takeuchi fails to disclose or suggest the above-quoted aspect of claim 1 for at least the reasons set forth in the appeal brief.

The Office Action cites Gonno to make up the difference.

Claim 1 further recites, ". . . said transmission occurs in consecutive cycles, said at least one amounting to a quantity that differs depending upon whether said predetermined time is synchronized to said cycles."

Neither reference appears to address the issue of a predetermined time period being synchronized or not being synchronized with a transmission cycle.

The Office Action cites to lines 23-31 of column 11 in Gonno, and seems to suggest that the Gonno "predetermined time" on line 29(30) of column 11 corresponds

Amendment After Final Rejection
Serial No. 09/580,167

Docket No. PHB 34,348

to the "predetermined time" of claim 1 (Office Action, page 3, paragraph 1, last sentence). Presumably, each Gonno S3, S4 loop in FIG. 5 is what the Office Action deems to be the "cycle" of our claim 1. We also presume that the Office Action deems the predetermined time to be "synchronized" if it is an exact multiple of the cycle time.

The Office Action does not seem to provide guidance on what it deems to correspond to "said at least one" in our claim 1. In other words, the Office Action does not specify what it deems to correspond to the "quantity" in our claim 1.

For at least these reasons, it is unclear what the Office Action deems to correspond to the "quantity that differs depending on whether" of our claim 1.

In addition, claim 1 recites, "after transmission of the data packets begins, determining . . . a number . . . ; . . . reserving . . . corresponding to . . . the number determined . . ."

Since the essential idea in Takeuchi, the primary reference, is to reserve before any data is transmitted, it is further unclear how the immediately-above-quoted aspect of the present claim 1 is met.

For at least the above reasons, claim 1 is deemed to distinguish patentably over the cited references.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 3 likewise recites, ". . . said transmission occurs in consecutive cycles, said at least one amounting to a quantity that differs depending upon whether said predetermined time is synchronized to said cycles."

Claim 3 also mentions determining a number after transmission begins, and reserving corresponding to the number determined.

Amendment After Final Rejection
Serial No. 09/580,167

Docket No. PHB 34,348

Claim 19 also recites the feature of "said at least one" depending on synchronization or lack thereof, and the feature of determining a number and reserving corresponding to the number determined.

For at least these reasons, claims 3 and 19 likewise distinguish patentably over the applied references.

The Office Action Summary lists claims 1-19. Yet, claim 20 is of record in this application, having been added in the reply to the previous Office Action dated July 27, 2005.

Correction of the record is respectfully requested.

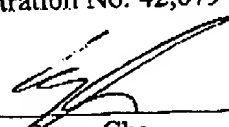
Amendment After Final Rejection
Serial No. 09/580,167

Docket No. PHB 34,348

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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